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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/732,129	12/06/2000	John A. Pacey	1116-008/JRD	9598

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EXAMINER

MITCHELL, TEENA KAY

ART UNIT	PAPER NUMBER
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3761

DATE MAILED: 08/06/2002

4

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/732,129

Applicant(s)

JOHN A. PACEY

Examiner

Teena K Mitchell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 10 May 2002 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) /
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) ✓
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

The corrected or substitute drawings were received on 05/10/02. These drawing corrections are acceptable.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-44 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "...the laryngopharynx..." in line 13. There is insufficient antecedent basis for this limitation in the claim.

Claim 2, line 2, "...in the vicinity of the area..." is indefinite; it is unclear as to actually what is meant by in the vicinity.

Claim 2 recites the limitation "...the base portion..." in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 2 recites the limitation "...the lifter portion..." in lines 2 and 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 9 recites the limitation "...said lifter portion..." in lines 8 and 13. There is insufficient antecedent basis for this limitation in the claim.

Claim 9 recites the limitation "...said base portion..." in lines 8 and 9. There is insufficient antecedent basis for this limitation in the claim.

Claim 9, line 10, "...in the vicinity of the area..." is indefinite; it is unclear as to actually what is meant by in the vicinity.

Claim 9 recites the limitation "...the base portion..." in line 10. There is insufficient antecedent basis for this limitation in the claim.

Claim 9 recites the limitation "...the lifter portion..." in lines 10 and 11. There is insufficient antecedent basis for this limitation in the claim.

Claim 9 recites the limitation "...the arm..." in line 11. There is insufficient antecedent basis for this limitation in the claim.

Claim 11 recites the limitation "...said lifter portion..." in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 12 recites the limitation "...said lifter portion..." in line 8. There is insufficient antecedent basis for this limitation in the claim.

Claim 12 recites the limitation "...said base portion..." in lines 8 and 9. There is insufficient antecedent basis for this limitation in the claim.

Claims 13 and 16-18 recites the limitation "...said lifter portion..." in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 14 recites the limitation "...said viewer..." in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 15 recites the limitation "...said camera..." in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 19 recites the limitation "...said lifter portion..." in line 9. There is insufficient antecedent basis for this limitation in the claim.

Claim 19 recites the limitation "...said base portion..." in lines 9 and 10. There is insufficient antecedent basis for this limitation in the claim.

Claim 20, line 2, "...in the vicinity of the area..." is indefinite; it is unclear as to actually what is meant by in the vicinity.

Claim 20 recites the limitation "...the base portion..." in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 20 recites the limitation "...the lifter portion..." in lines 2 and 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 20 recites the limitation "...the arm..." in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 23 recites the limitation "...said lifter portion..." in lines 5, 6, and 10-12. There is insufficient antecedent basis for this limitation in the claim.

Claim 23 recites the limitation "...said base portion..." in lines 7 and 8. There is insufficient antecedent basis for this limitation in the claim.

Claim 23, lines 9 and 10, "...in the vicinity of the area..." is indefinite; it is unclear as to actually what is meant by in the vicinity.

Claim 23 recites the limitation "...the arm..." in line 10. There is insufficient antecedent basis for this limitation in the claim.

Claim 23 recites the limitation "...said camera..." in line 10. There is insufficient antecedent basis for this limitation in the claim.

Claim 25, line 10, "...a viewer secured posterior..." is indefinite; it is unclear as to what constitutes being posterior, inasmuch as no anterior or posterior has been claimed with respect to any element of the intubation instrument.

Claim 25, line 10, "...in the vicinity..." is indefinite; it is unclear as to actually what is meant by in the vicinity.

Claim 25 recites the limitation "...said base portion..." in line 10. There is insufficient antecedent basis for this limitation in the claim.

Claim 25 recites the limitation "...said lifter portion..." in line 11. There is insufficient antecedent basis for this limitation in the claim.

Claim 25 recites the limitation "...the lifter portion..." in line 11. There is insufficient antecedent basis for this limitation in the claim.

Claim 26 recites the limitation "...said lifter portion..." in lines 5, 6, 9, and 12. There is insufficient antecedent basis for this limitation in the claim.

Claim 26, line 8, "...a viewer secured posterior..." is indefinite; it is unclear as to what is constitutes being posterior, inasmuch as no anterior or posterior has been claimed with respect to any element of the intubation instrument.

Claim 26, line 8, "...in the vicinity..." is indefinite; it is unclear as to actually what is meant by in the vicinity.

Claim 26 recites the limitation "...said base portion..." in lines 8 and 11. There is insufficient antecedent basis for this limitation in the claim.

Claim 28 recites the limitation "...said lifter portion..." in line 1. There is insufficient antecedent basis for this limitation in the claim.

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Claim 29 recites the limitation "...said lifter portion..." in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 30 recites the limitation "...said camera..." in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 32 recites the limitation "...said lifter portion..." in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 34 recites the limitation "...said lifter portion..." in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 34 recites the limitation "...said base portion..." in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 37 recites the limitation "...said camera..." in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 38 recites the limitation "...said lifter portion..." in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 40 recites the limitation "...the portion..." in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 40 recites the limitation "...said base portion..." in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 40 recites the limitation "...said lifter portion..." in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 42 recites the limitation "...said lifter portion..." in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 42 recites the limitation "...said base portion..." in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 43 recites the limitation "...said lifter portion..." in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 44 recites the limitation "...said camera..." in line 2. There is insufficient antecedent basis for this limitation in the claim.

Terminal Disclaimer


The terminal disclaimer filed on 05/10/02 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Patent 6,124,144 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Teena K Mitchell whose telephone number is (703) 308-4016. The examiner can normally be reached on Monday-Thursday 5:30 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's acting supervisor, Aaron Lewis can be reached on (703) 308-0716. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0858.


Teena Mitchell
August 1, 2002


GLENN K. DAWSON
PRIMARY EXAMINER